

1
2
3
4
5
6
7
8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-380

13
14 **MICHAELE KAY CAILLOUET**
15 **3694 Barham Bl. #F106**
16 **Los Angeles, CA 90068**
17 **Registered Nurse License No. 667443**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

18 Respondent.

19
20 **FINDINGS OF FACT**

21 1. On or about November 7, 2012, Complainant Louise R. Bailey, M.Ed., R.N., in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs, filed Accusation No. 2013-380 against Michaelae Kay Caillouet (Respondent)
24 before the Board of Registered Nursing. (Accusation attached as Exhibit A.)

25 2. On or about October 11, 2005, the Board of Registered Nursing (Board) issued
26 Registered Nurse License No. 667443 to Respondent. The Registered Nurse License expired on
27 August 31, 2007, and has not been renewed.
28

1 3. On or about November 7, 2012, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. 2013-380, Statement to Respondent, Notice of Defense,
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
4 and 11507.7) at Respondent's address of record which, pursuant to California Code of
5 Regulations, title 16, section 1409.1, is required to be reported and maintained with the Board.
6 Respondent's address of record was and is: 3694 Barham Bl. #F106, Los Angeles, CA 90068.

7 4. Service of the Accusation was effective as a matter of law under the provisions of
8 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
9 124.

10 5. On or about November 29, 2012, the First Class mail was returned by US Postal
11 service marked "RTS, Not At This Address." On or about December 7, 2012, the Certified mail
12 was returned by US Postal Service marked "Unclaimed." The address on the documents was the
13 same as the address on file with the Board. Respondent failed to maintain an updated address
14 with the Board and the Board has made attempts to serve the Respondent at the address on file.
15 Respondent has not made herself available for service and therefore, has not availed herself of her
16 right to file a notice of defense and appear at hearing.

17 6. Government Code section 11506 states, in pertinent part:

18 (c) The respondent shall be entitled to a hearing on the merits if the respondent
19 files a notice of defense, and the notice shall be deemed a specific denial of all parts
20 of the accusation not expressly admitted. Failure to file a notice of defense shall
constitute a waiver of respondent's right to a hearing, but the agency in its discretion
may nevertheless grant a hearing.

21 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
22 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2013-
23 380.

24 8. California Government Code section 11520 states, in pertinent part:

25 (a) If the respondent either fails to file a notice of defense or to appear at the
26 hearing, the agency may take action based upon the respondent's express admissions
27 or upon other evidence and affidavits may be used as evidence without any notice to
28 respondent.

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 2013-380, finds that the charges and allegations in Accusation No. 2013-380, are separately and severally, found to be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation and Enforcement is \$1760.00 as of December 17, 2012.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Michael Kay Caillouet has subjected her Registered Nurse License No. 667443 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Registered Nursing is authorized to revoke Respondent's Registered Nurse License based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

a. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4), in that Respondent voluntarily surrendered her license issued in the state of Arkansas on April 13, 2011 while discipline was pending before the Arkansas State Board of Nursing, in the case entitled, *In the Matter of Michaela Kay Caillouet*, RN License No. R82339, attached as Exhibit

4. The circumstances are as follows:

b. On or about August 3, 2010, Respondent tested positive for Marijuana on a pre-employment urine drug screen at Care IV Home Health in Little Rock, Arkansas, without a prescription therefore.

c. On or about September 7, 2010, Respondent was issued a Letter of Reprimand by the Arkansas State Board of Nursing wherein Respondent was required to comply with certain terms and conditions including abstaining from drug and alcohol use, enrolling in a drug screening

1 program, complete an approved course on "The Arkansas Nurse Practice Act," and pay costs
2 associated with the reprimand.

3 d. On or about January 7, 2011, Respondent entered into a Consent Agreement with the
4 Arkansas State Board of Nursing after a complaint was filed against her for failure to comply
5 with the terms of the Letter of Reprimand. Under the Consent Agreement, Respondent was found
6 to be non-compliant where she tested positive for alcohol on October 4, 2010. Respondent's
7 license was placed on probationary status under with terms and conditions.

8 e. Respondent did not comply with the probationary terms and on or about April 12,
9 2011, agreed to surrender her Arkansas registered nursing license.

10 ///

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

ORDER

IT IS SO ORDERED that Registered Nurse License No. 667443, heretofore issued to Respondent Michael Kay Caillouet, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on MAY 2, 2013.

It is so ORDERED APRIL 2, 2013.


FOR THE BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS

51207874.DOC
DOJ Matter ID: LA2012507752

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 GILLIAN E. FRIEDMAN
Deputy Attorney General
4 State Bar No. 169207
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2564
6 Facsimile: (213) 897-2804
E-mail: Gillian.Friedman@doj.ca.gov
7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2013-380

12 **MICHAELE KAY CAILLOUET**
13 **3694 Barham Bl. #F106**
Los Angeles, CA 90068

A C C U S A T I O N

14 **Registered Nurse License No. 667443**

15 Respondent.

16
17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about October 11, 2005, the Board of Registered Nursing issued Registered
24 Nurse License Number 667443 to Michael Kay Caillouet (Respondent). The Registered Nurse
25 License expired on August 31, 2007, and has not been renewed.

26 ///

27 ///

28 ///

1

2

5

6

9

13

14

16

17

22

23

26

27

1 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
2 enforcement of the case.

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Out-of-State Discipline)**

5 9. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4), in
6 that Respondent voluntarily surrendered her license on April 13, 2011 while discipline was
7 pending before the Arkansas State Board of Nursing, in the case entitled, In the Matter of
8 Michael Kay Caillouet, RN License No. R82339, attached hereto as Exhibit A, Respondent's
9 Arkansas RN License No. R82339. The circumstances are as follows:

10 10. On or about August 3, 2010, Respondent tested positive for Marijuana on a pre-
11 employment urine drug screen at Care IV Home Health, Little Rock, Arkansas, without a
12 prescription therefore.

13 11. On or about September 7, 2010, Respondent was issued a Letter of Reprimand
14 wherein Respondent was required to comply with certain terms and conditions including
15 abstaining from drug and alcohol use, enrolling in a drug screening program, complete an
16 approved course on "The Arkansas Nurse Practice Act," and pay costs associated with the
17 reprimand.

18 12. On or about January 7, 2011, Respondent entered into a Consent Agreement with the
19 Arkansas State Board of Nursing after a complaint was filed against her for failure to comply
20 with the terms of the Letter of Reprimand. The Consent Agreement found that Respondent was
21 non-compliant with the Letter of Reprimand where she tested positive for alcohol on October 4,
22 2010. Under the terms of the Consent Agreement, Respondent's license was placed on
23 probationary status for a year and a half (1.5) and was subject to certain terms and conditions
24 including abstaining from drug and alcohol use, enrolling in a drug screening program, preparing
25 quarterly reports to the Board and payment of a fine to the Arkansas State Board of Nursing.

26 13. On or about April 12, 2011, an Order for Voluntary Surrender was made whereby
27 Respondent agreed to surrender her license. Respondent stated that she was unable to pay fine
28 installment agreement and the cost for drug test and analysis. She further indicated that she had

1 not worked for a period of time and did not have the financial resources to continue to pay as
2 required by the agreement.

3 **PRAYER**

4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Registered Nursing issue a decision:

6 1. Revoking or suspending Registered Nurse License Number 667443, issued to
7 Michaele Kay Caillouet;

8 2. Ordering Michaele Kay Caillouet to pay the Board of Registered Nursing the
9 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
10 Professions Code section 125.3; and

11 3. Taking such other and further action as deemed necessary and proper.
12

13 DATED: November 7, 2012

14 *for* *Louise R. Bailey*
15 LOUISE R. BAILEY, M.ED., RN
16 Executive Officer
17 Board of Registered Nursing
18 Department of Consumer Affairs
19 State of California
20 Complainant

21 LA2012507752
22 51176933.doc
23
24
25
26
27
28